

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

IN RE:)	CASE NO. 00-34050 (LMW)
)	
JEFFERY J. LINSKY,)	CHAPTER 7
)	
DEBTOR.)	Re: DOC I.D. NO. 38

**ORDER APPROVING TRUSTEE'S
FINAL REPORT AND APPLICATION FOR COMPENSATION**

On April 5, 2005, the Trustee's Final Report and Application for Compensation (hereafter, the "Final Report"), Doc. I.D. No. 38, came before the Court for a hearing (hereafter, the "Hearing"). Included as Exhibit F to the Final Report was the Trustee's Application for Compensation and Expenses, dated December 1, 2004 (hereafter, the "Application").

Consistent with its previous written position, see United States Trustee Statement to Application for Compensation, Doc. I.D. No. 39, the United States Trustee appeared at the Hearing and expressed support for the Application. The Debtor, appearing through counsel, orally interposed a "limited objection" "[taking exception] to one portion of the Final Report contained within Exhibit H, namely, the calculation of interest to the . . . unsecured creditors." (hereafter, the "Limited Objection"). Tr. 4/6/05 at 1:34:00. Counsel for the Debtor articulated no legal basis to support the Limited Objection, which, upon further review, appears to the Court to be without merit.

Upon further consideration of the instant matter, however, the Court concluded that in order to render a fully informed and proper determination related thereto, and to discharge its independent responsibility to review requests for compensation from this

bankruptcy estate,¹ it was (i) appropriate to receive additional argument from the parties, and (ii) necessary to solicit and receive additional documentary evidence, specifically an analysis or summary of the Trustee's actual trustee compensation over the period of the last year or longer. A supplemental hearing was held on Wednesday, April 27, 2005 (hereafter, the "Supplemental Hearing"). The Court received the requested analysis and summary in the form of a letter from the Trustee dated June 15, 2005 (hereafter, the "Letter"), deemed fully admitted in this proceeding as of July 21, 2005, following notice and opportunity to object.

Having considered the arguments at the Hearing and Supplemental Hearing, along with the Final Report, Application, Letter and other relevant files and records of the case:

IT IS HEREBY ORDERED that the Application is **GRANTED** – the Trustee is allowed compensation for fees in the amount of **\$20,481.94**, and reimbursement of expenses in amount **\$124.59** for **total compensation of \$20,606.53**; and

IT IS FURTHER ORDERED that the Limited Objection is **OVERRULED**.

BY THE COURT

¹At the conclusion of a Supplemental Hearing the Court observed:

"The argument that you [Ms. Hankin] made . . . is consistent with the Court's view of what needs to be engaged and analyzed by a court in assessing the reasonableness of compensation under Section 330 standards and then, of course, the application of [Section] 326 to determine whether or not that amount so determined exceeds the statutory cap set forth in that statute

I think you have gone a long way, Ms. Hankin, in satisfying the Court today that the amount of your application \$20,606.53 . . . does meet the reasonableness standards of [Section] 330 and does not exceed [Section] 330.

Having said that, however, I am, as was suggested, going to take the matter under advisement".

DATED: July 28, 2005

Albert S. Dabrowski
Chief United States Bankruptcy Judge